

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BOARD OF TRUSTEES OF THE CLERKS
AND LUMBER HANDLERS PENSION
FUND,

Plaintiff,

vs.

PIEDMONT LUMBER & MILL CO., INC.,

Defendant.

Case No: C 10-1757 SBA

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE**

This is an enforcement action brought under the Employee Retirement Income Security Act ("ERISA"). This matter was initially assigned to Chief Magistrate Judge Maria-Elena James. Plaintiff consented to magistrate judge jurisdiction, while Defendant did not respond to the Court's notices regarding consent to magistrate judge jurisdiction.

Plaintiff subsequently filed a Motion for Default Judgment. Dkt. 11. On November 29, 2010, Magistrate Judge James issued a Report and Recommendation in which she recommends granting Plaintiff's Motion for Default Judgment, and awarding the following relief:

- 1) award Plaintiff \$38,240.56 for delinquent contributions, interest and liquidated damages;
- 2) award Plaintiff \$26,707.50 in attorney's fees and costs; and
- 3) order that Defendant: (a) submit to an audit by the Pension Fund, at Defendant's expense, to determine the extent of Defendant's delinquency and ability to meet its obligations under the CBA and the Trust Agreement; and (b) perform and continue performing its obligations under the CBA and the Trust Agreement in the event that there are employees of Piedmont Lumber who continued to perform work covered under the CBA after March 2010.

See Docket 22 at 12. This matter was then reassigned to the undersigned. Although no objections have been filed, this Court reviews Magistrate Judge James' legal conclusions de novo. See Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983). Upon such

1 review, the Court finds no error in Magistrate Judge James' Report and Recommendation.

2 Accordingly,

3 IT IS HEREBY ORDERED THAT Magistrate Judge James' Report and
4 Recommendation (Docket 22) is ACCEPTED and shall become the Order of this Court. This
5 Order terminates Dockets 11 and 22.

6 IT IS SO ORDERED.

7 Dated: 1/31/11


SAUNDRA BROWN ARMSTRONG
United States District Judge